

Minutes of Regular Meeting of September 10, 2013

One Twin Pines Lane, Belmont, CA

SPECIAL MEETING

CLOSED SESSION 6:30 P.M.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION per Government Code Section 54956.9(d)(1) – Name of cases: Baka v. City of Belmont, San Mateo Superior Court No. CIV 523248; City of Belmont v. Matosantos, Sacramento Superior Court No. 34-2013-80001617

Attended by: Councilmembers Wozniak, Braunstein, Lieberman, Feierbach, City Manager Scoles, City Attorney Rennie, Finance Director Fil. Councilmember Warden was absent, and City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:35 P.M.

Terri Cook

City Clerk

This meeting was not tape recorded or videotaped

REGULAR MEETING

CALL TO ORDER 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Lieberman, Braunstein, Feierbach, Warden (arr 8:20 p.m.), Wozniak

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Rennie, Fire Chief Keefe, Deputy Fire Chief Gaffney, Community Development Director de Melo, Parks and Recreation Director Gervais, Public Works Director Oskoui, Human Resources Director Dino, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by the Belmont-Redwood Shores Little League All Star Team

REPORT FROM CLOSED SESSION

City Attorney Rennie reported that the City Council gave direction to staff to defend the City in Baka v. City of Belmont

SPECIAL PRESENTATIONS

Proclamation to Little League

Mayor Wozniak read the Proclamation, noting that the team went further than any team in the league's history. Little League team members presented the Mayor with a team shirt, and each Councilmember received a signed baseball.

Ken Knobel, President, Belmont-Redwood Shores Little League, announced the upcoming rally to be held on September 15th at the Sports Complex.

Representatives from Assemblymember Kevin Mullin's office and Senator Leland Yee's office also presented certificates to the team.

Councilmembers individually congratulated the team on their efforts.

Proclamation for On-Line Voter Registration

Kevin Fong, Senator Leland Yee's office, provided history of the legislation that enables residents to register to vote on line. Mayor Wozniak read the proclamation.

Certificates to National Night Out Hosts

Police Chief DeSmidt noted that the number of events have increased each year. He presented certificates to each of the event hosts.

Councilmember Feierbach expressed her hope that this event might help revamp some of the neighborhood associations.

Councilmember Lieberman thanked the organizers of the events and expressed his appreciation to Councilmember Braunstein for enabling this event to take place.

RECESS: 8:20 P.M.

RECONVENE: 8:30 P.M.

(At this time Councilmember Warden joined the meeting.)

PUBLIC COMMENTS AND ANNOUNCEMENTS

Perry Kennan, Belmont resident, commented regarding the transparency of pension fund payments at the State level. He requested that the Mayor use the Public Records Act to request information from the State. He commented regarding the allocation of \$25,000 for the bridge near the spillway at Waterdog Lake. He thanked City staff for posting the Council agenda questions on the web.

Chung Lim, Belmont resident, commented regarding human rights issues in China.

Adele Della Santina, Belmont Chamber of Commerce, announced the upcoming Candidate Forums.

Kathleen Beasley, Belmont Library, outlined upcoming events at the library.

Erin Sunkel, Belmont resident, outlined issues regarding Hillman Avenue. She pointed out this failed road is creating structural issues in nearby homes. She presented a petition signed by a number of residents on Hillman Avenue.

Michelle Bertelson, Belmont resident, stated that residents on Hillman Avenue have had to create their own drainage to deal with runoff. She outlined tree and parking issues in the neighborhood.

Simon Wong, Belmont resident, expressed concerns that fire trucks may be unable to negotiate Hillman Avenue due to parking issues. He pointed out that Hillman is used as a cut-through to El Camino Real.

Gabe Molnar, Belmont resident, expressed concerns regarding the recent sale of property on Bishop Road. He questioned why eight acres were sold when only two acres are intended for development.

City Attorney Rennie explained that the remaining six acres will be given back to the City once the two acre parcel is developed. He noted that the sale is restricted by covenants to ensure that this occurs. He stated that the fire road will be relocated and that the public will have access to the open space.

COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Wozniak announced that the County Elections office is seeking Election officers for the November election. She also announced an upcoming Ralston Corridor Study workshop to be held on September 18th.

Councilmember Lieberman announced an upcoming ribbon cutting for a new restaurant in Belmont.

AGENDA AMENDMENTS

Council concurred to hear Councilmember Feierbach's Item 13 (Creation of a San Juan Canyon Fund especially dedicated to the Skymont area of the San Juan Canyon) immediately following the Discussion and Direction Regarding the Initiation of a General Plan Amendment - City Owned San Juan Hills Properties.

ITEMS APPROVED ON CONSENT CALENDAR

Minutes of Regular Meeting of City Council and Belmont Fire Protection District of August 13, 2013

Motion to Receive Monthly Financial Reports

Resolution 2013-095 of the City Council Approving an 8-foot No Parking Zone on Carlmont Drive and Live Oak Way

Resolution 2013-096 of the City Council Authorizing a Service Agreement with Nicolay Consulting Group to Provide a GASB 45 OPEB Actuarial Valuation for an Amount not to Exceed \$6,800

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved by a show of hands.

OTHER BUSINESS

Discussion and Direction Regarding the Initiation of a General Plan Amendment - City Owned San Juan Hills Properties

Community Development Director de Melo stated that the sale of the Bishop Road properties was nearly complete. He described the process to amend the General Plan for 33 acres of City-owned property in the San Juan hills. He outlined the options for zoning designations, and noted that the Agriculture/Open Space zone offers the greatest protection for the property. In response to questions, he explained that park use is permitted by right in the Agriculture zone.

Discussion ensued regarding various zoning districts.

City Attorney Rennie explained that State law provides that once property is zoned and used as a park, it cannot be removed from that use without a vote of the people. He outlined the process that would need to be followed in order to change the zoning back to HRO.

Mayor Wozniak expressed concern regarding the timeline and suggested scheduling any extra meetings necessary to accelerate the process.

Michael Schmitz, San Mateo resident, stated that the City Council gave direction to rezone the property as parkland. He noted that the staff report is confusing since it does not mention parkland. He noted that trust has been eroded by City staff not following Council direction.

Rumana Jabeen, San Mateo resident, expressed her desire that this property be placed in parkland in perpetuity.

Jeannette Sacco Belli, Belmont resident, stated that City Council direction has been ignored. She pointed out that open space dedication is not legally protected, and she questioned why the property is not being zoned as parkland.

Dave Miclean, Belmont resident, stated that the goal is the preservation of open space without removal of that designation by a future City Council. He recommended that the City Council give direction in order to accomplish this goal.

Councilmember Lieberman expressed support for whichever zoning designation offers the most protection for dedicated open space.

Councilmember Warden expressed support for whatever designation provides protection that State law affords. He also expressed support for a future ballot measure to lock the land use for park in perpetuity.

Community Development Director de Melo clarified the General Plan regarding zoning designation as it relates to consistency. He explained that the property needs to be rezoned first, and he outlined the hearing process by the Planning Commission. He further explained that a conditional use permit could be approved for all 33 acres, but this is less consistent with other park properties. He noted that either process would take the same amount of time.

Parks and Recreation Director Gervais noted that the revised General Plan could create a Park zoning district that does not exist in the current General Plan.

ACTION: Councilmember Warden made a motion, seconded by Mayor Wozniak, to initiate a General Plan amendment to rezone the City-owned properties in the San Juan Hills to Agriculture zone, and to draft a resolution to dedicate the property as parkland. Said motion to include time is of the essence in this process.

Councilmember Feierbach requested a friendly amendment that this action be accomplished prior to the change of the City Council. Said amendment was accepted by Councilmember Warden and Mayor Wozniak.

City Manager Scoles clarified that the remaining six acres of the Bishop Road property would need to wait until the property is returned to the City for dedication.

City Attorney Rennie explained that rezoning the Bishop Road property at this time could impact the sale. He clarified that the property needs to go through its entitlement process first. He pointed out that the restrictive covenant goes into effect upon the sale of the property.

Community Development Director de Melo clarified that all eight acres of the Bishop Road property are needed for the necessary entitlements on the two acres to be developed.

Council concurred that the proposed rezoning process affects all but the Bishop Road properties.

ACTION: On the previous motion, as amended, and unanimously approved by a show of hands.

MEETING EXTENSION: At this time, being 10:30 p.m., Councilmember Feierbach made a motion, seconded by Mayor Wozniak, to extend the meeting by 30 minutes. (Note: no vote taken.)

MATTERS OF COUNCIL INTEREST/CLARIFICATION (item taken out of order)

The Creation of a San Juan Canyon Fund especially dedicated to the Skymont area of the San Juan Canyon (Feierbach)

Councilmember Feierbach recommended that the excess proceeds from the sale of the Bishop Road property be dedicated to purchase other land or to make improvements to the open space areas in the Skymont area only.

Parks and Recreation Director Gervais pointed out that the newly-acquired land will require tree, fire prevention, and other maintenance.

Aileen Turner, Belmont resident, expressed support for using the money for development of a trail system and proper zoning for this property. She pointed out that the term sheet for the proposed Bishop Road sale expires on September 11th and that the City does not yet have a purchase agreement.

City Attorney Rennie noted that the document described by Ms. Turner has been discussed in closed session, and the term sheet outlines basic terms of the agreement. He clarified that the buyer proposed a standard agreement which did not capture the specifics of the restrictions and rededication of property back to the City. He further clarified that corrections to the sales agreement must be approved by the title company, and that the buyer is currently out of the country and unavailable to sign the revised purchase agreement.

Michael Schmitz, San Mateo resident, expressed support for using the funds for trails, maintenance, and other park improvements.

Carol Rossi, Belmont resident, expressed support for using the proceeds in the San Juan Canyon area to purchase additional property or provide trail improvements.

Council concurred to have a future discussion regarding options for the excess proceeds.

Status Update and Introduction Regarding Allocation of \$250,000 Contingency Funding Towards FY 2014 Council Priorities

In light of the hour, Council concurred to continue this matter to the next meeting.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Status of Planning, Finance, and Parks and Recreation Commission (Youth) Applications

Council concurred to extend the deadline for all positions to September 20th and to schedule interviews.

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Mayor Wozniak provided updates from meetings with the South Bayside Waste Management Authority and C/CAG. She noted that C/CAG discussed the potential dedication of El Camino Real to the cities.

Councilmember Braunstein stated that the City/school district 2+2 committee may be expanded to include officials from Redwood City.

Verbal Report from City Manager

City Manager Scoles announced: 1) the rally for the Belmont-Redwood Shores All Star Team; 2) flags at all City facilities would be lowered to half staff in commemoration of 9/11; 3) the upcoming Ralston Avenue Corridor Study meeting on September 18th; 4) Belmont-Redwood Shores School District schools would open for the fall semester on September 11th; 5) the sidewalk at Ralston Middle School has been restored.

ADJOURNMENT at this time, being 11:00 p.m.

Terri Cook

City Clerk

This meeting was tape recorded videotaped